

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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Samuel T Whatley, II

-against-

Charleston County Board of Elections, South
Carolina Election Commission, and South
Carolina Ethics Commission

Complaint for a Civil Case

2:23-cv-833-DCN-MHC

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|----------------------------------|
| Name | <u>Samuel T Whatley, II</u> |
| Street Address | <u>579 Folly Road Unit 14254</u> |
| City and County | <u>Charleston</u> |
| State and Zip Code | <u>South Carolina 29422</u> |
| Telephone Number | <u>9108501202</u> |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

| | |
|--------------------|---|
| Name | <u>Charleston County Board of Elections</u> |
| Street Address | <u>4367 Headquarters Rd</u> |
| City and County | <u>North Charleston, Charleston County</u> |
| State and Zip Code | <u>South Carolina 29415</u> |
| Telephone Number | <u>843-744-8683</u> |

Defendant No. 2

| | |
|--------------------|---|
| Name | <u>South Carolina Election Commission</u> |
| Street Address | <u>1122 Lady Street Suite 500</u> |
| City and County | <u>Columbia</u> |
| State and Zip Code | <u>South Carolina 29201</u> |
| Telephone Number | <u>803-734-9060</u> |

Defendant No. 3

| | |
|------|---|
| Name | <u>South Carolina Ethics Commission</u> |
|------|---|

| | |
|--------------------|---|
| Street Address | <u>201 Executive Center Drive Suite 150</u> |
| City and County | <u>Columbia</u> |
| State and Zip Code | <u>South Carolina 29210</u> |
| Telephone Number | <u>803-253-4192</u> |

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

52 U.S. Code § 20971 and 52 U.S. Code § 20106

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Failure to notify plaintiff of election results and ballot verification for the first election on November 8th, 2022, and removing the plaintiff from the ballot for the special election on February 7th, 2023. Failure to provide proof of notice to voters in the district to plaintiff. Non-feasance of state authorities who did nothing upon receiving several complaints from plaintiff about the machines connecting to the Internet and an outsourced Chinese authenticator known as Feitian in the system among other concerns. Inadequate disability services provided to voters.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Seeking proof of National Institute of Standards and Technology laboratory accreditation for voting machines used in the county by state and local authorities.

Compensation for failure to notify plaintiff about election results, registration requirements for the special election, removing plaintiff from the ballot, allowing other candidates to solicit signs on school-premises violating its own policy, and inaction by state authorities.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case- related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: February 24, 2023

Signature of Plaintiff

Samuel Whatley II

Printed Name of Plaintiff

Samuel T Whatley, II